

By Senator Hutson

7-01204-18

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1                   A bill to be entitled  
2           An act relating to election dates for municipal  
3           office; amending s. 100.3605, F.S.; requiring the  
4           governing body of a municipality to determine the  
5           dates on which initial and runoff elections for  
6           municipal office are held and providing options  
7           therefor; preempting to the state the authority to  
8           establish election dates for municipal elections;  
9           providing construction; amending s. 100.361, F.S.;  
10          requiring municipal recall elections to be held  
11          concurrently with municipal elections under certain  
12          conditions; repealing s. 101.75, F.S., relating to  
13          change of dates for cause in municipal elections;  
14          extending the terms of incumbent elected municipal  
15          officers until the next municipal election; providing  
16          an effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

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20           Section 1. Section 100.3605, Florida Statutes, is amended  
21 to read:

22           100.3605 Conduct of municipal elections.—

23           (1) The Florida Election Code, chapters 97-106, shall  
24 govern the conduct of a municipality's election in the absence  
25 of an applicable special act, charter, or ordinance provision.  
26 No charter or ordinance provision shall be adopted which  
27 conflicts with or exempts a municipality from any provision in  
28 the Florida Election Code that expressly applies to  
29 municipalities.

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30           (2) (a) The governing body of a municipality shall determine  
31 if an election for municipal office is held on the same date as  
32 the general election, the first Tuesday after the first Monday  
33 in November in an odd-numbered year, or the third Tuesday in  
34 March in an odd-numbered year or even-numbered year.

35           (b) If a municipal charter or ordinance requires a runoff  
36 election for municipal office, the governing body of a  
37 municipality shall conduct its elections in one of the following  
38 formats:

39           1. The initial election shall be held at the primary  
40 election on the Tuesday 10 weeks before the general election,  
41 and the runoff election shall be held on the same date as the  
42 general election.

43           2. The initial election shall be held at an election on the  
44 Tuesday 10 weeks before the election held on the first Tuesday  
45 after the first Monday in November in an odd-numbered year, and  
46 the runoff election shall be held at an election on the first  
47 Tuesday after the first Monday in November in an odd-numbered  
48 year.

49           3. The initial election shall be held at an election on the  
50 Tuesday 10 weeks before the third Tuesday in March, and the  
51 runoff election shall be held at an election on the third  
52 Tuesday in March.

53           (c) This subsection does not affect the manner in which  
54 vacancies in municipal offices are filled or the manner in which  
55 recall elections for municipal officers are conducted.

56           (d) Notwithstanding any general law, special law, local  
57 law, municipal charter, or municipal ordinance, this subsection  
58 provides the sole method for establishing the dates of elections

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59 for municipal office in this state. Any general law, special  
60 law, local law, municipal charter, or municipal ordinance that  
61 conflicts with this subsection is superseded to the extent of  
62 the conflict.

63 (3) The governing body of a municipality may, by ordinance,  
64 change the dates for qualifying and for the election of members  
65 of the governing body of the municipality and provide for the  
66 orderly transition of office resulting from election such date  
67 changes.

68 Section 2. Subsection (4) of section 100.361, Florida  
69 Statutes, is amended to read:

70 100.361 Municipal recall.—

71 (4) RECALL ELECTION.—If the person designated in the  
72 petition files with the clerk, within 5 days after the last-  
73 mentioned notice, his or her written resignation, the clerk  
74 shall at once notify the governing body of that fact, and the  
75 resignation shall be irrevocable. The governing body shall then  
76 proceed to fill the vacancy according to the provisions of the  
77 appropriate law. In the absence of a resignation, the chief  
78 judge of the judicial circuit in which the municipality is  
79 located shall fix a day for holding a recall election for the  
80 removal of those not resigning. Any such election shall be held  
81 not less than 30 days or more than 60 days after the expiration  
82 of the 5-day period last-mentioned and at the same time as any  
83 other general, municipal, or special election held within the  
84 period; but if no such election is to be held within that  
85 period, the judge shall call a special recall election to be  
86 held within the period aforesaid.

87 Section 3. Section 101.75, Florida Statutes, is repealed.

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88           Section 4. To provide for an orderly transition of office,  
89 the term of each incumbent elected municipal officer is extended  
90 until the next municipal election held in accordance with this  
91 act.

92           Section 5. This act shall take effect July 1, 2020.